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California Regional Water Quality Control Board
Lahontan Region
Attn: Andrea Stanley
2501 Lake Tahoe Blvd
South Lake Tahoe, CA 96150

SUBJECT: Revisions to Timber Waiver

Members of the Water Quality Control Board:

The “Waiver for Waste Discharge Requirements for Timber Harvest and Vegetation Management” adopted in 2007 is clearly needed. While the circulated revisions are an improvement over the existing requirements, much more needs to be done to simplify the process.

Of special note is the quote on page 2 of the Initial study that makes reference to the need to **“eliminate or otherwise reduce the adverse effects of confusing, overlapping, or unnecessarily restrictive regulations and regulatory procedures...”**. Unfortunately, this statement still applies to the proposed revisions and areas outside of the TRPA region.

I would suggest that the Water Quality Control Board needs a major paradigm shift in how it thinks about and protects water quality in the Lahontan Region. I would assert that the 2007 requirements have done little or nothing to improve water quality protection (at least from what I’ve seen here in northeastern California). The Board should abandon the application and regulatory approach that places a substantial burden on its limited staffing. Instead of dealing with a glut of unnecessary paperwork, staff should be spending 80% of their time in the field. The Board should work toward a goal of annual staff field assessment of 20% of the streams and lakes in the Lahontan Region. This would entail staff actually walking up stream channels and along lakefront, to identify threats to water quality, and work with landowners to correct problems and apply pragmatic solutions. One staff member should be able to easily assess 100 miles of stream a year. If the focus was on Class I and II watercourses, a lesser amount of survey work would be required, and the highest priority watercourses would be studied.

I believe that my proposal would actually accomplish better water quality protection than what the Board is achieving today. Any activities negatively impacting

water quality would be identified during a stream survey, and could be reduced or eliminated with direct contact of the responsible parties.

Additionally, the Timber Waiver revisions, as currently written, cannot be effectively enforced by Lahontan staff. The total area of the Region is over 21,000,000 acres. This is huge. If every landowner who could be required to submit a form, based on the very broad definition of “timber harvest and vegetation management activities”, did so, your office would be inundated with paper. The more realistic scenario is that a very low percentage of property owners will actually comply. And, your Staff has no effective way of knowing when activities are occurring unless they are doing field inspections.

I would propose the following changes to your revisions that would better meet the message of the Governor’s Proclamation:

1. Combine Categories 1, 2, and 3. No notification or monitoring required.
2. Category 4. The winter period re-defined to December 1 to February 29 to more accurately reflect climate change effects since the “winter period” definition was developed 36 years ago for the State Forest Practice Act. No application required if the project is submitted to CAL FIRE or other public agency.
3. Category 5. No application required. Waiver request included as part of THP, or NTMP process since Water Board is already involved in the process. This avoids duplication and excessive regulation. Submission of only one monitoring form (Winter Implementation) for harvest operations with Class I and II watercourses by July 15 after first winter. Drop “Fall Implementation” monitoring. Drop “Forsenic” monitoring except where operations occur with “Extreme” erosion hazard, and Class I or II watercourses.
4. Category 6. Remove prescribed burning and pile burning where activities are more than 25 feet from the edge of Class I and II watercourses (move to Category 2). Requiring notification for these activities is unnecessary and excessive. For instance, fifteen piles six-foot in diameter per acre only accounts for 1% of the area. I would suggest that any impacts from burning those piles is less than significant.

Thanks for consideration of my comments.

Sincerely,

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